

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JOHN WILLIE MINNIFIELD,
#112145,

Petitioner,

V.

ARNOLD HOLT, et al.,

Respondents.

CASE NO.

2:06-CV-0054-WKW

RESPONSE TO ORDER FOR SUPPLEMENTAL RESPONSE

In its Order of March 31, 2008, the Court directed Respondents to submit all relevant records relating to Minefield's state habeas corpus petition that was filed on September 25, 2000.

(A)

Minnifield's State Habeas Petition Filed On September 25, 2000

Minnifield filed a petition for newly discovered evidence, which he also styled as a writ of habeas corpus. (Exhibit N) He apparently did not appeal from the denial of this state habeas corpus petition and therefore, Respondents have no records of an appeal. It appears that Minnifield did not appeal because his notice of

appeal was untimely. Minnifield filed a mandamus petition in which he sought permission to file an untimely appeal because he received a late notice of the denial of the petition and was unable to file a timely notice of appeal. (Exhibit O) There was no record in the circuit court's file of any ruling on the writ.

During the review of the file contained in the Montgomery County Circuit Clerk's office, counsel for Respondents found a writ of habeas corpus filed on March 22, 2000, which was denied on May 8, 2000. (Exhibit P) There are no records of any appeal from the denial of that petition.

EXHIBITS

- 1) Copy of Minnifield's trial transcript, Exhibit G (Minnifield's brief, the State's brief and the memorandum opinion were submitted with the Response on March 10, 2006, as Exhibits A, B, and C, respectively.);
- 2) Copy of Minnifield's first Rule 32 transcript, Exhibit H;
- 3) Copy of Minnifield's brief on appeal from denial of first Rule 32 petition, Exhibit I (The memorandum opinion on the appeal was submitted with Response filed on May 16, 2006, as Exhibit D.);
- 4) Copy of State's brief on appeal of first Rule 32 petition, Exhibit J;

- 5) Copy of denial of petition for writ of certiorari filed in the Supreme Court of Alabama, and copy of Certificate of Judgment on the first Rule 32 petition, Exhibit M;
- 6) Copy of Minnifield's second Rule 32 transcript, Exhibit K;
- 7) Copy of Minnifield's brief on appeal from second Rule 32, Exhibit L (The State's brief on the appeal and the memorandum opinion were submitted with the Response filed on May 16, 2006, as Exhibits E and F, respectively.);
- 8) Copy of the State habeas petition filed on September 25, 2000, Exhibit N;
- 9) Copy of petition for writ of mandamus filed in the circuit court seeking an untimely appeal, Exhibit O (The circuit court file contained no ruling on the petition);
- 10) Copy of petition for writ of habeas corpus filed on March 22, 2000, Exhibit P;
- 11) Copy of circuit court's order denying the September 25, 2000 habeas petition, which was entered on September 24, 2002, Exhibit Q;
- 12) Copy of Order from Court of Criminal Appeals denying the petition for writ of mandamus in CC-02-1677, Exhibit R;
- 13) Copy of another writ of Mandamus filed on October 16, 2000, Exhibit S;
- 14) Copy of writ of mandamus filed in the Supreme Court of Alabama in CC-02-1677, Exhibit T;

- 15) Copy of Order from the Supreme Court of Alabama denying the petition in CC-02-1677, Exhibit U.

Respectfully submitted,

Troy King – KIN047
Attorney General
State of Alabama

s/James B. Prude
James B. Prude (PRU005)
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of April, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the foregoing (including exhibits) to the following non-CM/ECF participants to the address listed on the Department of Corrections' website: John Willie Minnifield, AIS #112145, Bullock County Correctional Facility, PO Box 5107, Union Springs, AL 36089-5107.

s/James B. Prude
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